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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

Original via FedEx-Copy via Electronic Mail

January 5, 2021

Mr. Charles Maguire, Director  
Water Quality Protection Division (6WD)  
U. S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, Texas 75202

**Re: State Certification Rio Del Oro Wastewater Treatment Facility, NPDES Permit No NM0030414**

Dear Director Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit NM0040414, Rio Del Oro Wastewater Treatment Facility. If any, comments and conditions are enclosed on separate sheets.

The U.S. Environmental Protection Agency (EPA) proposes to regulate discharges under the above referenced NPDES Individual permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) Section 401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, New Mexico Statutes Annotated (NMSA) 1978, §§ 74-6-1 to -17) and complies with State of New Mexico Water Quality Standards, the Water Quality Management Plan and Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 New Mexico Administrative Code (NMAC)), EPA jointly with the New Mexico Environment Department (NMED) issued a public notice of the draft permit and announced a public comment period posted on the NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notices/> on November 21, 2020. The NMED public comment period ended on December 21, 2020. NMED did not receive any comments.

Sincerely,

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

cc: (w/ enclosures)

Ms. Evelyn Rosborough, USEPA (6WDPN) via e-mail

Mr. Brent Larsen, USEPA (6WDPE) via e-mail

Ruben Alayon-Gonzalez, USEPA (6WDPE) via e-mail

Bobby Towle, Operations Manager Rio Communities Via email to: [ladair@riocommunities.net](mailto:ladair@riocommunities.net)

Mr. Ken Mc Queen, Regional Administrator  
Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75202

January 5, 2021

### STATE CERTIFICATION

RE: **Rio Del Oro Wastewater Treatment Facility, NPDES Permit No NM0030414**

Dear Regional Administrator McQueen:

The Cabinet Secretary of the New Mexico Environment Department (NMED) has delegated signatory authority for state certifications of federal Clean Water Act permits to the Surface Water Quality Bureau Chief. NMED examined the proposed NPDES permit referenced above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ ( ) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)
- ☐ ( ) denies certification for the reasons stated in the attachment
- ☐ ( ) waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent unless changes are in response to formal comments received by EPA and discussed with NMED prior to the finalization of the draft permit.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 819-9734, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

**State of New Mexico Comments and Conditions on the Proposed NPDES Permit  
Rio Del Oro Wastewater Treatment Facility  
NPDES Permit No. NM0030414  
January 5, 2021**

**Conditions of Certification:**

1. none

**Comments that are not Conditions of Certification:**

1. none